



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/682,444

10/09/2003

Patrick C. St. Germain

SSS-106

9792

7590

10/24/2006

OLSON & HIERL, LTD.

36th Floor

20 North Wacker Drive

Chicago, IL 60606

EXAMINER

TAWFIK, SAMEH

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 10/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/682,444

Applicant(s)

GERMAIN, PATRICK C. ST.

Examiner

Sameh H. Tawfik

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

As a result of an appeal conference dated on 10/19/2006 to discuss the filed appeal brief of paper filed on 08/21/2006, the prosecution has been re-opened and a new rejection has been done as disclosed herein.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 11, line 1 “an apparatus for interfolding at least two sheets of material” and in lines 5 and 6 “an interfolder through which the sheet material from each of the dispensers is fed for interfolding the respective sheets of material together”; it is not clear if such an interfold has been done as such interfold is not positively claimed in the body of the claim as it was claimed after an indefinite word “for”. Clarification is needed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11 and 14 rejected under 35 U.S.C. 102(b) as being anticipated by Hermach (U.S. Patent No. 3,942,782).

Hermach discloses an apparatus for interfolding at least two sheets of material for forming a web of interfolded sheets of material, the apparatus comprising at least two dispensers providing sheets of material (Fig. 2; via dispensers to feed webs) that include at least one longitudinally extending fold line and at least one fold respectively (Fig. 2; via upper former folds 26 and lower former folders 22); an inter-folder through which the sheet material from each of the dispensers is fed for inter-folding the respective sheets of material together and forming the web of the interfolded sheets of material (Fig. 2; via folding rollers 36 and 38).

Regarding claim 14: Hermach discloses that knife rolls for clean cutting the interfolded sheets of material (Fig. 2; via cutting roller 37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hermach (U.S. Patent No. 3,942,782) in view of DuFresne (U.S. Patent No. 4,824,426).

Stemmler does not disclose the claimed double “c” shaped fold as described in page 3 lines 29-31 and page 4, lines 1 and 2 of the filed specification of the invention,. However, DuFresne discloses such “c” shaped folds as seen in Fig. 3.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stemmler folding apparatus, by folding means to fold

Art Unit: 3721

the sheet to the double fold "c" type, as suggested by DuFresne, in order to provide a starter tab for manual grasping to remove the web segments from a container (column 1, lines 66-68).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11, and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stemmler (U.S. Patent No. 5,088,707) in view of Hermach (U.S. Patent No. 3,942,782).

Stemmler discloses an apparatus for interfolding at least two sheets of material for forming a web of interfolded sheets of material, the apparatus comprising at least two dispensers providing sheets of material (Figs. 1-3; via W1 and W2); an inter-folder through which the sheet material from each of the dispensers is fed for interfolding the respective sheets of material together and forming the web of the interfolded sheets of material (Figs. 1-3; via folding rollers 12 and 13).

Stemmler does not disclose sheets of material including at least one longitudinally extending fold line and at least one fold respectively. However, Hermach discloses a similar apparatus comprising means for dispensing two different sheets and longitudinally folding the sheets (Fig. 2; via 26A-26C and 22A-22C).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stemmler's folding apparatus by having the longitudinal folds to the sheets, as suggested by Hermach, in order to improve the apparatus for

Art Unit: 3721

associating and folding the respective sections of multi sectioned, bulky newspapers (column 2, lines 1-4).

Regarding claim 13: Stemmler discloses that the sheets of material respectively include a plurality of spaced apart transversely extending perforation lines (column 2, lines 50-52).

Regarding claim 14: Stemmler discloses that knife rolls for clean cutting the interfolded sheets of material (Figs. 1-3; via cutting rollers 30).

Regarding claim 15: Stemmler discloses that perforating rolls perforating the interfolded sheets of material (column 12, lines 21 and 22).

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stemmler (U.S. Patent No. 5,088,707) in view of Hermach (U.S. Patent No. 3,942,782) as applied to claim 11 above, and further in view of DuFresne (U.S. Patent No. 4,824,426).

Stemmler in view of Hermach do not disclose the claimed double “c” shaped fold as described in page 3 lines 29-31 and page 4, lines 1 and 2 of the filed specification of the invention. However, DuFresne discloses such “c” shaped folds as seen in Fig. 3.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Stemmler in view of Hermach folding apparatus, by folding means to fold the sheet to the double fold “c” type, as suggested by DuFresne, in order to provide a starter tab for manual grasping to remove the web segments from a container (column 1, lines 66-68).

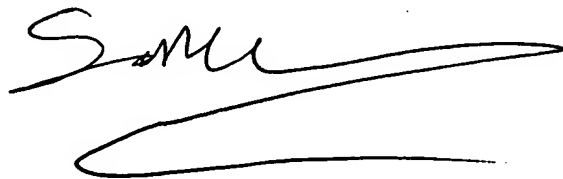
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 10:00 AM to 8:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik
Primary Examiner
Art Unit 3721

A handwritten signature in black ink, appearing to read 'Sameh', with a long horizontal flourish extending to the right.

ST.